

Issued September 10 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1639.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING AND ALLEGED ADULTERATION OF VANILLA EXTRACT.

On May 20, 1911, the United States Attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one keg containing 15 gallons, more or less, extract of vanilla, so-called, remaining unsold in the original unbroken package and within the possession of J. Tampakes, Troy, N. Y., alleging that the product had been shipped, date not shown, by the Manhattan Importing Co., Cleveland, Ohio, and transported from the State of Ohio into the State of New York, and alleging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "Ice Cream Special Vanilla Flavoring. Guaranteed to be made from the Aromatic principle Mexican Vanilla bean."

The product was alleged to have been adulterated and misbranded in the libel; adulterated for the reason that a certain substance, being an imitation extract of vanilla, had been substituted wholly or in part for the product represented to have been ice cream special vanilla flavoring, and further that an artificial coloring matter known as caramel had been mixed and packed with said product so as to reduce and lower its quality and strength; and further that by reason of the mixing of said artificial coloring matter, to wit, caramel, the inferior character of the product had been and is now concealed, and is thereby calculated and intended to deceive and mislead the purchaser thereof as to its true character; and further that whereas the label attached to the product by the words written or branded thereon represented that the alleged article of food was an ice cream special vanilla flavoring and made from Mexican vanilla bean, in truth and

in fact, the said alleged article of food was not a vanilla flavoring extract nor was it made from the Mexican vanilla bean, but was an imitation of the extract of vanilla; and it further contained substances which rendered the same unfit for use for the purpose of flavoring ice cream, and injurious to health; and said label for the reasons aforesaid was false and misleading, and said article of food was thereby misbranded in violation of the Act.

On October 6, 1911, no appearance having been made and no answer filed to the libel, a decree of condemnation and forfeiture was entered, and the court found that the product was misbranded but was not adulterated. It was ordered that upon payment of the costs of the proceeding by the Manhattan Importing Co., so-called, or by J. Tampakes, and the execution and delivery of bond by them or either of them, in conformity with section 10 of the Act, fixed by the court at \$500, the product should be released and delivered to said claimants.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 22, 1912.*